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10/662,929	09/15/2003	Anthony J. Baerlocher	0112300-1542	2727

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EXAMINER

BANTA, TRAVIS R

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/662,929

Applicant(s)

BAERLOCHER, ANTHONY J.

Examiner

Travis R. Banta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Vancura US(6,059,289).

Regarding claim 1, Vancura ('289) discloses a gaming device with a bonus round. The bonus round is started by a triggering event (see column 3 lines 18-20). The bonus round is comprised of several different games. A first accumulation game shows a man ascending an incline carrying a knap-sack that displays the accumulation of award in one embodiment (see Figure 4). A second slot style game is played as reels are rotated (see figure 4). It is disclosed that a plurality of bonus games can be played with any suitable graphics (see column 14 lines 47-51). During the slot style bonus game there are many selections made to determine the progress of the accumulation game. This slot style game includes functional symbols and credit symbols displayed on the surface of the reels as well as in the box labeled award in figure 4). During each play of the bonus game, a player has the option to select

whether to continue with the bonus game, stop, or surrender according to the progress of the game and the players wishes. A display is disclosed to display functional symbols and credit symbols as has already been noted. The outcome of the selection game is displayed to the player and is provided based on the player's selections in the selection game. The outcome of the bonus round is displayed to the player as the accumulated award is displayed in the knap-sack (in that embodiment), based upon selections relative to the accumulation game.

Regarding claim 2, the accumulation game and the selection game use different functional symbols. The selection game uses at least double letters, single letters, and numbers. The accumulation game uses numbers (see figure 4).

Regarding claim 3, the credit symbols and the functional symbols are associated with the selections as the credit symbols will increase or decrease based upon the player selection. The functional symbols provide information to display the result of the selections.

Regarding claim 4, the functional symbols contain a "stop" or a "lose" condition that will eliminate possible selections in continuation of the accumulation game (see column 3 lines 34-55).

Regarding claim 5, Vancura ('289) discloses a gaming device having several games each game having selection options. These games also have advance opportunities based on the selections made in the game. The player selects from a number of selections i.e. whether to continue, risk more, surrender, or stop etc. These selections are provided in the beginning of the bonus round and continue throughout the

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game based on success level. The gaming device also has an input device whereby the player can make game decisions and input those decisions of the game. The values associated with the player are accumulated and awarded based on the final accumulated value when the game ends or the player elects to end (see abstract, figure 4).

Regarding claim 6, Vancura ('289) discloses several independent games (a primary gaming machine, and a secondary gaming machine which plays several games). While playing the games, a player is confronted with several choices providing opportunities for advancement. The player begins at step 0 which is an advancement up the incline. The award is based on the number of advancements the player makes in the game employing the various selection and advancement opportunities (see abstract, Figures 1 and 4).

Regarding claim 7, Vancura ('289) discloses several independent games, each being different and each performing a different function. Several advancements are possible depending on how the player uses selection opportunities in the game. At least one advancement (step 0) is provided at the beginning of the game. An award is provided to the player based on the advancement of the player in relation to the selection of player opportunities (see figures 1 and 4).

Regarding claim 8, Vancura ('289) discloses that the outcome of the accumulation bonus game is based on the outcome of the slot style bonus game (see column 14 lines 42-67).

Regarding claim 9, Vancura ('289) discloses a gaming device wherein a predetermined value can be set by the machine operator to stop the player from continuing to play if the award based on player selection exceeds the predetermined value. Credit values are associated with the player selections (see column 4 lines 6-10).

Regarding claim 10, Vancura ('289) discloses that the game player accumulates credit values determined by the selections the player makes (see column 14 lines 42-67).

Regarding claim 11, Vancura ('289) discloses the award made to the player is based on the accumulated award the player earns (see column 14 lines 42-67).

Regarding claim 12, Vancura ('289) discloses the player can leave the game at any time if the player feels it is at the player's disadvantage to continue. The player can stop the game after a predetermined number of advances (see column 6 lines 17-21).

Regarding claim 13, Vancura ('289) discloses an eliminator selection whereby the player can lose subsequent choice opportunities by selecting an eliminator (see column 14 lines 42-67).

Regarding claim 14, Vancura ('289) discloses that the primary gaming machine could initiate an opportunity for the player to gain an extra pick to use without using a pre-existing pick (see column 15 lines 42-47).

Regarding claim 15, Vancura ('289) discloses a "jackpot" feature wherein after the player reaches a predetermined value gains an extra award which can also be risked to gain an even larger extra award (see column 13 lines 1-17).

Regarding claim 16, Vancura ('289) discloses that player opportunities can be used by the player in each game based on the players wishes (see column 4 lines 11-20).

Regarding claim 17, Vancura ('289) discloses the accumulation of advancements in the independent games where a player uses player opportunities (see figure 4).

Regarding claim 18, Vancura ('289) discloses a predetermined number of picks for a given number of selections used in the game (see column 14 lines 42-67).

Regarding claim 19, Vancura ('289) discloses the award outcome is based on the accumulated number of advancements the player has made in the game (see column 15 lines 27-30).

Regarding claim 20, Vancura ('289) discloses a gaming device with a plethora of player opportunities (see abstract).

Regarding claim 21, Vancura ('289) discloses the outcome of the game to be based on whether the player accumulates a certain number of advancements (see column 13 lines 1-17).

Regarding claim 22, Vancura ('289) discloses a primary slot machine determining a result and a second outcome different from the first depending on the result of the secondary slot system. The secondary game system has additional bonus games that are initiated by achieving a second outcome on the secondary system. The outcome of the bonus round is dependent on the primary slot machine determining whether a bonus round will be played. A display device is provided for a player. (see column 3 lines 1-11).

Regarding claim 23, Vancura ('289) discloses the primary game includes a first selection game having a predetermined number of picks. The selection game has numeric symbols (see figure 4) associated with the selections and the outcome of the selection game is based on the associated numeric symbols. Whether the accumulation game begins is dependant on the outcome of the numeric symbols from the choice selection game (see also column 14 lines 42-67).

Regarding claim 24, Vancura ('289) discloses the secondary game has an advancement game having 5 different positions. The numeric symbols associated with the selection picked by the player in the bonus game determine the degree of advancement of the player in the game. The initiation of the second game is based on advancing the player a number of positions as determined by the first game in allowing the bonus round (see column 15 lines 1-36).

Regarding claim 25, Vancura ('289) discloses the award outcome provided to the player is based on the numeric symbols associated with the player and as accumulated by selection in the accumulation game (see column 15 lines 1-36).

Regarding claim 26, Vancura ('289) discloses a base game (primary game) that a player uses by inputting a wager. The primary game has a triggering event that begins a bonus round. The bonus round consists of a reel selection game, an accumulation game and game selection choices (see column 3 lines 1-11). The various selections made by a player determine the accumulation game outcome. The accumulation game has an advancement component taught in figure 4. The character is advanced to the "0" space to begin thereby moving a predetermined 1 space. This



initiates the selection bonus game with reels. Several selections are made during the reel game. The reels have various symbols including double letters, single letters, and numbers (see figure 1). The result of the selections and on the reels determines the outcome of the accumulation bonus game. Each player is given a certain number of selections to make at the beginning of the bonus games and a display is provided to allow the players to make decisions based on the game progress (see column 14 lines 42-67).

Regarding claim 27, Vancura ('289) discloses the selection outcome of the first bonus game determines the number of advances of the player's awards (see column 14 lines 42-67).

Regarding claim 28, Vancura ('289) discloses reels having a plurality of symbols. These symbols when showed across a payline are associated with an award value. This awarded value is shown as progress in the accumulation game (see figure 4).

Regarding claim 29, Vancura ('289) discloses that the selection of symbols on the reels determine the award provided and progresses the advancement component of the accumulation game (see figure 4).

Regarding claim 30, Vancura ('289) discloses a "loss" or "stop" condition in the game. This results in a modification of the number of selections a player has left to continue the game (see column 14 lines 42-67).

Regarding claim 31, Vancura ('289) discloses that the reels symbols are associated with player selections and determines the number of credits awarded to the player (see column 14 lines 42-67).

Regarding claim 32, Vancura ('289) discloses that credits are accumulated based on player selections (see column 3 lines 1-13).

Regarding claim 33, Vancura ('289) discloses that the outcome of the game is based on the selections made by the player. The award given to the player is based on the number of credits the player gets (see column 14 lines 42-67).

Regarding claim 34, Vancura ('289) discloses a first game operated by a player inputting a wager. A display shows the player game progress and player selections. A player is given a certain number of selections to begin the game. Several functional symbols apprise the player of game progress. An advancement indicator is shown by a man ascending an incline. A bonus game (related as a second game) includes the advancement sequence. The functional symbols on the reels are selected by a player, which determines the number of advancement positions shown on the advancement indicator in the second game. An outcome is displayed to the player to if the advancement indicator advances past the end of the incline in the second game (see figure 4).

Regarding claim 35, Vancura ('289) discloses that the functional symbols are at least double letters, single letters, and numbers (see figure 1).

Regarding claim 36, Vancura ('289) discloses the functional symbols associated with player selections can modify the number of those selections accessible to the player (see column 14 lines 42-67).

Regarding claim 37, Vancura ('289) discloses an award is given to a player based on the outcome shown on the advancement indicator if the advancement position

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moves through the possible positions (see column 13 lines 1-17 and column 14 lines 47-62).

Regarding claim 38, Vancura ('289) discloses the overall game outcome includes a third game (1. primary game, 2. accumulation game, and 3. reel selection game). The third game provides a number of selections with associated credit symbols associated with the selections. The number on the selections indicates an award given to a player based on the combination on the payline at the reel face (see figure 5-86).

Regarding claim 39, Vancura ('289) discloses the player is provided credits indicated by credit symbols associated with the player selection on the reels in the reel selection game (see column 15 lines 10-13).

Regarding claim 40, Vancura ('289) discloses that the credits awarded to the player as a result of the game are accumulated (see column 15 lines 1-36).

Regarding claim 41, Vancura ('289) discloses that an award can be given to a player based on the advancements made on the advancement indicator in the accumulation game (see column 13 lines 1-17).

Regarding claim 42, Vancura ('289) discloses a method for operating a plurality of related games in a gaming device. A first game is displayed to a player wherein the player can make selections. These selections can come from the information on the display, on the reels themselves or can be game progress decisions which are disclosed to comprise functional symbols. A player is given a certain number of selections in which to play the game based on a wagered amount. An advancement indicator displays the advancements made in the accumulation game based on the

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functional symbols displayed as a result of the player in the primary game. As the player advances, the player accumulates credits based on selections made in a third reel selection game. The player is then awarded based on the total number of accumulated credits accumulated in the third reel selection game (see column 14 lines 42-67 through column 16 line thirty and figure 4, the examiner believes this embodiment as described, although lengthy, to be most representative of the applicants invention.)

Regarding claim 43, Vancura ('289) discloses providing a player an award upon advancement through a predetermined number of advancement positions in the accumulation game (see Figure 4 positions labeled 0 through 4).

Regarding claim 44, Vancura ('289) discloses the player is awarded for advancement through the steps as described in directly above.

Regarding claim 45, Vancura ('289) discloses the number of selections is changed based on the player's selections of functional symbols (see column 4 lines 42-67).

Regarding claim 46, Vancura ('289) discloses the use of a data network to incorporate the method of operating a gaming device (see column 16 lines 54-62).

Regarding claim 47, Vancura ('289) does not specifically disclose the use of an internet as a data network. Nevertheless, the examiner takes Official Notice that the use of internets as data networks is very well known in the art of gaming devices.

### ***Response to Amendment***

The examiner has considered the arguments but the arguments are now moot in light of the current rejections.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

*Ronald Ameen*  
PRIMARY EXAMINER  
12/21/06